



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

defendant for criminal conversation. While the action was pending, the defendant conveyed all his property to his wife. Thereupon the plaintiff brought a second action to set aside the conveyance as fraudulent. During the pendency of the second action he recovered judgment in the tort action. The trial court dismissed the second action, and the plaintiff appealed. *Held*, that the judgment be reversed and the conveyance set aside. *Hopkinson v. Westerman*, 48 D. L. R. 597 (Ontario).

The term "creditor" within the meaning of the statutes against fraudulent conveyances has been held to include owners of contingent claims arising out of contract, as well as holders of unliquidated contract claims. *Yeend v. Weeks*, 104 Ala. 331, 16 So. 165; *Hatfield v. Merod*, 82 Ill. 113; *McVeigh v. Ritenour*, 40 Ohio St. 107; *Johnson v. Blomdahl*, 90 Wash. 625, 156 Pac. 561. And by the great weight of authority it includes tortfeasors who have not yet reduced their claims to judgment. *Walrath v. Brown*, 6 Ill. 397; *Bishop v. Redmond*, 83 Ind. 157; *National Bank v. Beatty*, 77 N. J. Eq. 252, 76 Atl. 442. In attacking a fraudulent conveyance, a creditor may have both a legal and an equitable remedy. Pursuing the former, he may, upon obtaining judgment against the fraudulent grantor, levy execution on the property conveyed, on the theory that as to him the conveyance was void and the title is still in the grantor. *Smith v. Reid*, 134 N. Y. 568, 31 N. E. 1082; *Willard v. Masterson*, 160 Ill. 443, 43 N. E. 771. If he proceeds by a bill in equity to set aside the conveyance, a prerequisite at common law was a judgment at law and a return of execution unsatisfied. *Angell v. Draper*, 1 Vern. 399; *Austin v. Bruner*, 169 Ill. 178, 48 N. E. 449. This rule has been changed by statutes in a considerable number of states, so that a creditor may proceed in equity in the first instance. *Phelps v. Smith*, 116 Ind. 387, 17 N. E. 602; *Alabama Iron & Steel Co. v. McKeever*, 112 Ala. 134, 20 So. 84. The principal case was decided under a statute which held void conveyances made with the intent to defeat creditors and others. See 1914 ONTARIO REV. STAT., c. 105, § 3. The court brought the plaintiff within the word "others" of the statute, and held that it was not necessary that he should be a creditor at the time when the action was brought to set aside the conveyance.

GRAND JURY — SELECTION OF MEMBERS — EFFECT OF EXEMPTION OF JURORS BY COURT ON ITS OWN MOTION. — By statute there were certain classes of persons exempt from grand jury duty. The trial judge, after examining the first twelve men drawn from the panel as to their qualifications, of his own motion excused six of them. Three of the six clearly would have been entitled to exemption had they claimed it. The defendant was convicted under an indictment returned by the jury subsequently impaneled. *Held*, that the indictment be quashed. *State v. Smith*, 83 So. 264 (La.).

An indictment by a grand jury illegally constituted will not support a conviction. *Crowley v. United States*, 194 U. S. 461; *State v. McGarry*, 140 La. 436, 73 So. 259. But it is not every departure from prescribed methods of selecting a grand jury that will lead to this result. Generally, where the irregularity complained of does not prejudice the defendants' cause it is not fatal to the indictment. *State v. Keating*, 85 Md. 188, 36 Atl. 840; *State v. Fidler*, 23 R. I. 41; *State v. Cooley*, 72 Minn. 476, 75 N. W. 729. The statute involved appears to have left the court some latitude. Assuming, however, that the judge exceeded his discretionary power, the error does not appear material. No allegation of bias was made, and the defendant's contention that the judge's act reduced unduly the element of chance which might have worked in his favor seems too remote. But where there is strong policy behind the strict enforcement of the letter of a statute, non-compliance of any sort is fatal. *Dunn v. United States*, 238 Fed. 508. Therefore, if the view be taken that undeviating procedure in the selection of the grand jury is essential the principal case can be sustained.